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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,397	08/27/2003	James DeFrancesco	DLT-001DIV1	6100

51414 7590 10/30/2009

GOODWIN PROCTER LLP  
PATENT ADMINISTRATOR  
53 STATE STREET  
EXCHANGE PLACE  
BOSTON, MA 02109-2881

EXAMINER
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FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3696

NOTIFICATION DATE	DELIVERY MODE
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10/30/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/649,397	<b>Applicant(s)</b> DEFRANCESCO ET AL.	
	<b>Examiner</b> DANIEL S. FELTEN	<b>Art Unit</b> 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 19, 20, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 19, 20, 23, 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12, 19, 20, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over DYKSTRA et al (US 5,611,052) in view of "Department Store Reconfigures Decision Process," Credit Risk Management Repost, v2, no. 20 (September 28,1992) (hereinafter "MERVYN")

**Re claims 1, 4, 5, 19, 23 and 24:** DYKSTRA disclose a computer to generate a database from which statistical information concerning acceptance and/or rejection of credit applications by funding sources can be derived (see Abstract), said program product comprising:

means for providing a database (fig. 2A) (Loan Application Database--108);

means for receiving a credit application from at least one remote application input location, said credit application containing application data;

means for saving said application in said database (fig. 2A) (108);

means for selectively forwarding said received credit application to one or more funding sources(fig. 2A)(Display to Merchant Lender Decision-116);

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means for receiving a funding decision from said one or more funding sources(fig. 2A)(Display to Merchant Lender Decision-116), said

funding decision containing funding source data (fig. 2A) (Approval or Referral—118); and

means for storing said funding source data in said database (see DYKSTRA, column 4, lines 12 to column 5, line 12).

**Re claim 2-8:** DYKSTRA discloses a scoring model based upon lender load criteria (see figs 2A-D, esp. Fig. 2D, column 6, lines 4-42). Although the scoring model may suggest at some statistical analysis, DYKSTRA fails to disclose further comprising means for selectively providing *statistical* data regarding credit application processing. MERVYN discloses a credit application processing system (ACAPS), which providing statistical data regarding credit application (see ACAPS performing prescreens and weeding out credit applications that fail to make minimum criteria ). It would have been obvious to integrate the ACAPS of MERVYN to the system of DYKSTRA such a modification using the conventional ACAPS of MERVYN would have yielded predictable results of providing credit/loan application under customized lender criteria and thus resulted in an improved system. It would have been recognized that applying the technique of MERVYN to the teaching of DYKSTRA would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such systems based upon a set of preset criteria. Further, applying he ACAPS to DYKSTRA would have been recognized by one of ordinary skill in the art as resulting in an improved system that would allow further variations in the selection of a particular application.

*Allowable Subject Matter*

3. The indicated allowability of claims 9-12 is withdrawn in view of cited reference(s) above.

*Conclusion*

4. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 8/17/2009 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL S. FELTEN whose telephone number is (571)272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kramer James can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel S Felten  
Primary Examiner  
Art Unit 3696

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Primary Examiner, Art Unit 3696